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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/070,088

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Bernd Petzold

1974

7308

7590

03/24/2005

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EXAMINER

DANG, THANH HA T

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

4/11

Office Action Summary	Application No. 10/070,088	Applicant(s) PETZOLD ET AL.	
	Examiner Thanh-Ha Dang	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/04/02</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-19 are rejected in this Office Action.

Specification

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.

- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1 and 13 are rejected under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the encoded information can also be decoded with the aid of databases". There is lack of antecedent basis for this limitation in the claim.

Claims 6 and 7 express the claimed invention in coded example and ellipsis rendered the claims indefinite.

Claims 2-9 are dependent from Claim 1 therefore inherit the aforementioned deficiency and are hereby rejected.

Claim 13 recites the limitation "the encoded information can also be decoded with the aid of databases". There is lack of antecedent basis for this limitation in the claim.

Claim 14-19 dependent from claim 13 therefore inherit the aforementioned deficiency and are hereby rejected.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Referring to Claims 1 and 13, the claims recite a method for encoding objects with reference to a traffic network. The encoding method is an abstract idea, without need for physical computing equipment, and therefore constitutes non-statutory subject matter. The claim language raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine, which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Referring to Claim 10, the claim recites a method for decoding objects. The decoding method is an abstract idea, which are not instantiated into some specific physical implementation, and therefore constitutes non-statutory subject

matter. The claim language raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine, which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim Objections

5. Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 10 recites "the method of one of the foregoing claims" rendered the claim improper and indefinite.

Claims 11-12 are dependent from Claim 10 therefore inherit the aforementioned deficiency and are hereby rejected.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,393,149 issued to Friederich et al. ("Friederich").

As to claim 1, Friederich teaches "a method for encoding objects with reference to a traffic route network, wherein the encoded information can also be decoded with the aid of databases that differ from a database used in the encoding, characterized that the objects are provided with relationships to at least one relational object which is present in databases that are used the decoding, and the relationships do not primarily result from the traffic route network" (column 4, lines 31-60).

As to claim 2, Friederich teaches "relationships are indicated parallel to a plurality of relational objects" (Figure 4, column 9, lines 12-67 and column 10, lines 1-6).

As to claim 3, Friederich teaches "relationships are indicated hierarchically to a plurality of relational objects" (Figures 5-6, column 10, lines 8-67 and column 11, lines 1-9).

As to claim 4, Friederich teaches “the relationships are local indications” (column 19, lines 35-41).

As to claim 5, Friederich teaches “the relationships include logical characteristics, in particular memberships” (Figure 6, column 12, lines 42-53 and column 14, lines 3-18).

As to claim 6, Friederich teaches “the information encoded for a respective object (reference object) has the following data structure:

```
<reference object>  
<reference/relational object 1>  
<reference/relational object 11>  
<reference/relational object 12>  
...  
<reference/relational object 2>  
...
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<relational object N>, wherein at least the reference object and one relational object are present” (Figures 6-7, column 14, lines 40-67 and column 15, lines 1-40).

As to claim 7, Friederich teaches “each case an object with the following data structure is encoded:

```
<reference/relational object>:=  
<plane>  
<object type>  
<object coordinates> <object end>” (Figures 6-7, column 14, lines 40-67  
and column 15, lines 1-40).
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As to claim 8, Friederich teaches “the data structure is supplemented with further information, in particular for outputting the object” (column 6, lines 53-63).

As to claim 9, Friederich teaches "data which identify a decoding rule are associated with at least the data of the reference object, and that as needed, data that identify a decoding rule are each associated with the data of the relational objects" (column 32, lines 60-67 and column 33, lines 1-63).

As to claim 10, Friederich teaches "the least one relational object is searched for in the database used for the decoding, and thereupon the relationship for the object to be decoded is evaluated" (column 32, lines 60-67 and column 33, lines 1-63).

As to claim 11, Friederich teaches "search windows are opened around the locations of the relational objects and the reference objects" (column 32, lines 40-48).

As to claim 12, Friederich teaches "at least one relational object is searched for in at least one further database, if it is not found in the database intrinsically used for the decoding" (column 32, lines 40-48).

As to claim 13, Friederich teaches "a method for encoding objects with reference to a traffic route network, wherein the encoded information can also be decoded with the aid of databases that differ from a database used in the encoding, wherein the encoding includes at least one position indication, characterized in that the at least one position indication provided with a position type designator" (column 4, lines 50-60).

As to claim 14, Friederich teaches "the position type designator indicates whether the position indication pertains an exact position and/or indicates the

location of a search space a position or an object" (Figures 2-3, column 6, lines 53-63, column 7, lines 31-67 and column 8, lines 1-29).

As to claim 15, Friederich teaches "the position type designator is valid for one position indication at a time" (Figures 2-3, column 7, lines 11-67 and column 8, lines 1-29).

As to claim 16, Friederich teaches "the position type designator is valid for a plurality of position indications" (Figures 2-3, column 7, lines 11-67 and column 8, lines 1-29).

As to claim 17, Friederich teaches "the position type designator has at least one attribute, which designates further properties of the position indication" (column 8, lines 1-29).

As to claim 18, Friederich teaches "the further properties are an error radius of the position indication" (column 8, lines 1-29).

As to claim 19, Friederich teaches "at least one attribute indicates whether the position indication is absolute or relative" (Figures 4-5, column 9, lines 65-67 and column 10, lines 1-6).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Ha Dang whose telephone number is 571-272-4033. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thanh-Ha Dang
Examiner
Art Unit 2163



ALFORD KINDRED
PRIMARY EXAMINER